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PROCEEDINGS

OF THE

TERRITORIAL BAR ASSOCIATION

OF

UTAH.

Held in Salt Lake City,

Jan. 8th, 11th and 18th, and Feb. 16th, 1894.

State Bar Association of Utah.
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SALT LAKE CITY:
THE MAGAZINE PRINTING COMPANY.
1894.

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Officers for the Year 1894.

PRESIDENT, ... J. G. SUTHERLAND.

VICE-PRESIDENT, ... First Judicial District. . . . . S. R. THURMAN.

VICE-PRESIDENT, ... Second Judicial District, . . . M. M. WARNER.

VICE-PRESIDENT, ... Third Judicial District, ... C. W. BENNETT.

VICE-PRESIDENT, ... Fourth Judicial District, . . . JAMES N. KIMBALL.

SECRETARY, ... RICHARD B. SHEPARD.

TREASURER, ... ELMER B. JONES.

Executive Council.

P. L. WILLIAMS, JOHN A. MARSHALL, F. S. RICHARDS,
E. M. ALLISON, GRANT H. SMITH.

Committee on Grievances.

THOMAS MARSHALL, C. S. VARIAN, J. H. MacMILLAN.

Minutes of the Meeting of the Territorial Bar Association of Utah, held in January and February, 1894.

Meeting of attorneys at the Federal Court room, Monday evening, January 8th, 1894. Called to order by Elmer B. Jones, who stated the object of the meeting to be the organization of a Territorial Bar Association.

B. F. Montgomery was elected temporary chairman and Elmer B. Jones temporary secretary. Col. Kaighn asked if the proposed organization would in any way antagonize the local Bar Association. On being assured that it would not, he moved that a committee of five be appointed by the chairman on permanent organization, constitution and by-laws. Carried.

Thereupon the chairman appointed J. G. Sutherland, F. S. Richards and R. B. Shepard, of the Salt Lake Bar, Wm. H. King, of the Provo bar, and L. R. Rogers, of the Ogden bar, as such committee.

Motion was then made that when the meeting adjourned it be to re-meet at the Supreme Court room, Salt Lake City, on Thursday, January 11th, at 7:30 p. m. Carried. The Secretary was instructed to have notices of such meeting published in all the daily papers in Salt Lake, Ogden and Provo. On motion, meeting adjourned.

ELMER B. JONES,
Temporary Secretary.

SALT LAKE CITY, January 8th, 1894.

SUPREME COURT ROOM,
Salt Lake City, Jan. 11th, 1894.

Meeting called to order by B. F. Montgomery, chairman.

The report of the committee on constitution, by-laws and permanent organization was called for and Judge J. G. Sutherland, chairman, submitted a constitution and by-laws, which was discussed at great length, and adopted with the following amendments: "That special meetings may be called at any time by the Executive Council or the President, and *must* be called when a request, signed by fifteen members of the Association is made therefor; the notice of such special meeting shall be by publication in all the daily papers of Salt Lake, Ogden and Provo, or by personal notices sent by the Secretary to each member of the Association. In either case not less than three days notice of the time and place of holding such meeting, shall be given."

On motion, the rules were suspended and Judge J. G. Sutherland was elected President of the Association by acclamation.

On motion the rules were again suspended and the following named Vice-Presidents were elected, one from each Judicial District:

Samuel R. Thurman, Provo, First District.

Presley Denny, Beaver, Second District.

Charles W. Bennett, Salt Lake City, Third District.

James N. Kimball, Ogden, Fourth District.

On motion, the rules were again suspended and Richard B. Shepard, of Salt Lake City, was elected Secretary by acclamation, and Elmer B. Jones, Treasurer.

It was then moved that a ballot be taken on the election of an Executive Council and that the five persons receiving the highest number of ballots be declared elected.

The ballot was then ordered and Waldemar Van Cott and Wm. M. Bradley were appointed tellers of election, which resulted in the selection of Parley L. Williams, John A. Marshall, F. S. Richards, E. M. Allison and Wm. H. King, as such Council.

It was then moved that the rules be suspended, and the President authorized to appoint a committee on grievances.

On motion, thirty days were given to all attorneys desiring to become charter members of the Association in which to sign the roll and pay the membership fee, moved that the meeting adjourn for one week, and that the next regular meeting be held on the first Monday in June, 1894, at the Federal Court room, Salt Lake City, at 7:30 p. m., at which delegates to the American Bar Association be elected.

The President then announced that he would report his selection of a committee on grievances, at the next meeting.

On motion, meeting adjourned to January 18th, 1894, at 7:30 p. m.

ELMER B. JONES,
Temporary Secretary.

SUPREME COURT ROOM,
Salt Lake City, Utah,
January 18th, 1894.

Meeting called to order, pursuant to adjournment, by J. G. Sutherland, President. There not being a quorum present, meeting adjourned *sine die.*

The President announced before adjournment that he appointed as members of the committee on grievances, Thomas Marshall and C. S. Varian, of the Salt Lake City bar, and J. H. MacMillan, of the Ogden bar.

RICHARD B. SHEPARD,
Secretary.

SUPREME COURT ROOM,
Salt Lake City, Utah,
February 16th, 1894.

The Association met pursuant to the call of the President, a quorum being present.

Upon motion, the regular order of business was dispensed with and the business named in the call was taken up and disposed of. Mr. Kimball, of Ogden, moved that Section 3330 of the Compiled Laws of Utah be amended by striking out after

the word *court* in the second line, all words to the word *or* in the third line, and that this Association recommend to the Utah Legislature the passage of such amendment. Carried.

Mr. Shepard moved that a committee of three be appointed by the President to draft an attorneys' lien bill and present the same to the Territorial Legislature and request on behalf of the Association its passage. Carried.

The President appointed as such committee A. N. Cherry, A. T. Schroeder, and Walter Murphy.

Mr. Grant H. Smith moved that a committee of five be appointed by the President (one of said committee to be the President,) to place before the ways and means committee of the Territorial Legislature in a proper manner the reason why an appropriation should be made for the Territorial Library. Carried.

The President appointed as such committee J. G. Sutherland, T. J. Anderson, John A. Marshall, F. B. Stephens and Elmer B. Jones.

Mr. Elmer B. Jones moved that a committee of five be appointed by the President, to draft a bill for an Attorney's Docket fee and present the same to the Territorial Legislature and request its passage.

Mr. F. B. Stephens moved as a substitute that the committee be left without limitation in order that they might prepare a bill without stating the amount or fees. The substitute was adopted.

The President appointed as such committee, C. W. Bennett, Thomas Marshall, J. W. Judd, H. P. Henderson and Waldemar VanCott.

Mr. Kimball moved that a committee of five be appointed to draft rules for the regulation of appeals to the Supreme Court. Mr. Schroeder moved to amend by adding:

"And draft rules for the District Courts of the Territory and present the same to the respective Courts and request their adoption."

The motion as amended was adopted.

Moved that the drafting and presenting of Rules be referred

to the committee appointed to draft bill for Attorney's Docket fee. Carried.

Moved, that the committee on Attorney's Docket fee bill is instructed to confer with the proper legislative committees regarding fees of District Clerks, U. S. Marshal, Sheriffs, Constables and Justices of the Peace. Carried.

On motion, the offices of Executive Council filled by Wm. H. King and of Vice President filled by Presley Denny were declared vacant.

Mr. Grant H. Smith was elected a member of the Executive Council in place of Wm. H. King.

Mr. M. M. Warner of Provo was elected Vice President in place of Presley Denny.

On motion the Treasurer was instructed to pay C. M. Neilson five dollars for services for lighting and caring for place of meeting.

Moved that the addressses and discussions that usually take place at the regular annual meetings be held at the adjourned meeting of the Association in June, 1894, and that the Executive Council is hereby instructed to designate such persons, etc, under Article 9 of the Constitution, to deliver such addresses.

Carried.

On motion adjourned to meet on March 1st, 1894, at 7.30 P. M. at Supreme Court room, in Salt Lake City, Utah.

RICHARD B. SHEPARD,

Secretary.

CONSTITUTION AND BY-LAWS

OF THE

TERRITORIAL BAR ASSOCIATION OF UTAH.

CONSTITUTION.

ART. 1. The name of the Association shall be The Territorial Bar Association of Utah.

ART. 2. The object of the Association shall be the elevation of the standard of professional learning and integrity; to inspire the greatest degree of respect for the efforts and influence of the Bar in the administration of justice; and to cultivate fraternal relations among its members.

ART. 3. The officers of the Association shall be a President, a Vice-President from each Judicial District, Secretary, Treasurer, an Executive Council of five members, and a Committee on Grievances consisting of three members, which officers shall be elected annually and hold until successors are elected and accept.

ART. 4. The President shall deliver an address at each regular annual meeting of the Association, and the duties of the President, Vice-President, Secretary and Treasurer shall be such as usually pertain to those officers respectively.

ART. 5. Regular meetings of the Association shall be annually held at Salt Lake City on the second Monday in January, at 7:30 p. m. at the Supreme Court room, for the election of officers, and for addresses and discussions; also for the transaction of any other business of the Association. The President and the members of the Executive Council and Committee on Grievances shall be elected at the annual meeting by ballot.

Special meetings may be called at any time by the Executive Council or the President, and must be called when a request signed by fifteen members of the Association is made therefor. And the notice of such special meeting shall be by publication in the daily papers of Salt Lake, Ogden and Provo, or by personal notice sent by the Secretary to each member of the Association, in either case not less than three days' notice of the time and place of holding such meeting shall be given.

ART. 6. A quorum for the transaction of business shall be twenty members.

ART. 7. No person shall be admitted to membership in this Association who is not a member of the bar of the Supreme Court of Utah.

ART. 8. All applications for membership at the annual meeting shall be referred to the Executive Council, who shall report on the same to the Association, with their recommendation, and no person shall be admitted to membership except by a two-thirds vote of the members present. During the interval between annual meetings, applications for membership may be determined by the Executive Council. Each member shall pay an admission fee of five dollars, and annual dues after the first year of three dollars. Any member mav be expelled on the vote of a majority of the members of the Association.

ART. 9. The Executive Council shall manage the affairs of the Association subject to the Constitution and By-Laws; it shall also on or before the first day of May of each year, designate such number of members, not exceeding six, to prepare and deliver or read at the next annual meeting thereafter, appropriate addresses or papers upon subjects chosen and assigned by the Council, to each of such members as may be so selected for such purpose.

ART. 10. All addresses delivered and papers read before the Association, a copy of which is furnished by the author, shall be lodged with the Secretary. The annual address of the President, the reports of committees and all proceedings of the annual meeting shall be printed; but no other address delivered or paper read shall be printed except by order of the Executive Council.

ART. 11. The Committee on Grievances shall be charged with the investigation of all complaints against members of the Association, members of the Bar and officers of the Courts, and also of all complaints which may be made to them in matters affecting the members of the legal profession, the practice of law and the administration of justice, and shall report thereon to the Association with such recommendations as they may deem proper. The proceedings of such committee shall be secret.

ART. 12. If a vacancy occurs in the office of President, the Executive Council may designate a Vice-President to fill his place. Said Council shall also fill any vacancy that may occur in the office of Secretary or Treasurer; and said Council and said Committee on Grievances may respectively fill any vacancy that may occur therein.

ART. 13. The Treasurer shall render an account annually to the Executive Council, and said Council shall report the same to the Association at its annual meeting.

ART. 14. The Executive Council shall cause to be printed, such number of the Constitution and By-Laws of the Association, with the roll of the members of the Association, as it shall deem best, not exceeding one thousand copies, and shall

distribute the same to members of the Association, and to such other persons or associations, or societies as it may deem prudent; and shall, with the proceedings of each annual meeting, print a roll of the members of the Association.

ART. 15. This Constitution shall remain unalterable except by a vote of two-thirds of all members.

BY-LAWS.

SECTRON 1. The order of exercises at each annual meeting shall be as follows:

1. Opening address by the President.
2. Consideration of applications for membership.
3. Report of Executive Council.
4. Report of Committee on Grievances.
5. Reports of special committees.
6. Delivering or reading of addresses and papers.
7. Miscellaneous business.
8. Election of officers and delegates to American Bar Association.

SEC. 2. There shall be chosen by ballot at each annual meeting, three members as delegates to the American Bar Association for the ensuing year.

SEC. 3. These By-Laws may be amended at any regular meeting by a majority vote of the members present.

CHARTER MEMBERS.

A. T. Schroeder, . . . Salt Lake City.
James H. Moyle, ...Salt Lake City.
W. I. Snyder, ... Park City.
Barlow Ferguson, ...Salt Lake City.
Wm. Buys, ... Heber.
Waldemar Van Cott, . .Salt Lake City.
George Sutherland, . . Provo.
John A. Marshall,. . . . .Salt Lake City.
C. W. Bennett,. . . . . .Salt Lake City.
Joseph T. Richards,. . . .Salt Lake City.
A. N. Cherry, ...Salt Lake City.
N. J. Sheckell, ... Salt Lake City.
L. M. Armstrong,. . . . .Salt Lake City.
J. G. Sutherland,. . . . .Salt Lake City.
F. S. Richards, ...Salt Lake City.
James W. Cherry, . . .Salt Lake City.
Nathan Tanner, Jr., . .Ogden.
Richard B. Shepard, . . Salt Lake City.
Elmer B. Jones,. . . . . Salt Lake City.
C. W. Collins, ... Salt Lake City.
J. C. Walters, ...Logan.
J. W. Judd, ...Salt Lake City.
Charles E. Pearson, . . .Salt Lake City.
George W. Moyer, . . . Salt Lake City.
Charles Baldwin, ... Salt Lake City.
John. Lu. Taylor,. . . . .Salt Lake City.
Wm. Gill Mills, ... Salt Lake City.
Frank B. Stephens,. . . .Salt Lake City.
O. W. Moyle, ... Salt Lake City.
Geo. L. Nye, ...Salt Lake City.
M. L. Ritchie, ... Salt Lake City.
E E. Ritchie, ...Salt Lake City.
E. O. Lee, ... Salt Lake City.
J. G. Gray, ... Salt Lake City.
H. E. Booth, ... Salt Lake City.
T. Ellis-Browne, ... Salt Lake City.
C. B. Jack, ...Salt Lake City.
Wm. Kahn, ... Salt Lake City.
J. C. Royle, ... Salt Lake City.
J. H. MacMillan, . . . Ogden.
J. A. Street, ...Salt Lake City.
Noble Warner, Jr., . . Logan.
Dennis C. Eichnor, . . . Salt Lake City.
John B. Anderson, . . . Salt Lake City.
Jacob S. Boreman, . . . Ogden.
Grant H. Smith, ... Salt Lake City.
E. M. Allison, ... Ogden.
Charles C. Richards, . . Ogden.
Geo. G. Armstrong, . . .Salt Lake City.
Chas. J. Pence, ... Salt Lake City.
C. E. Allen . . . . . ,Salt Lake City.
Walter Murphy, ... Salt Lake City.
Clesson S. Kinney, . . .Salt Lake City.
T. J. Anderson, ...Salt Lake City.
A. V. Taylor, ... Salt Lake City.
J. E. Cochran, ... Salt Lake City.
H. J. Dininny, ... Salt Lake City.
C. F. Loofbourow, . . . Salt Lake City.
H. H. Henderson, . . . Ogden.
George A. Burgon, . . . Salt Lake City.
Wm. M. Bradley,. . . . Salt Lake City.
E. D. R. Thompson, . . Salt Lake City.
M. M. Warner, ...Provo.
P. L. Williams, ... Salt Lake City.

John M. Cannon, ... Salt Lake City.
Thomas Marshall, . . . Salt Lake City.
Samuel R. Thurman, . . Provo.
C. S. Varian, ...Salt Lake City.
P. J. Daly, ... Salt Lake City.
E. W. Tatlock, ...Salt Lake City.
James N. Kimball,. . . Ogden.
Charles L Brown, . . . Eureka.
James A. Williams, . .Salt Lake City.

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